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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,742	07/06/1999	EDWARD DZIEDZIC	7038	5687

7590 08/20/2003
PAUL M DENK
763 SOUTH NEW BALLAS ROAD
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,742

Applicant(s)

DZIEDZIC, EDWARD

Examiner

Alfred Joseph Wujciak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

This is an Office Action for serial number 09/348,742, Banded Mount, filed on 7/6/99. In response to a decision from the Board Of Patent Appeals and Interference, the board of appeal reversed the examiner's rejection on 6/18/03, paper number 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,098,051 to Aldridge et al.

Aldridge et al. discloses an aluminum (col. 7, line 5-7) stabilizer wire mount (53, figure 15) for attaching to a pole. The mount comprises a rectangular base plate (54, 55) having a top and bottom surface and a front and back edge. The top surface having an integral boss (62) positioned in center and at least one upwardly raised ribs (56, 57, 58, 59) defining a channel (60 and 61). The bottom surface has a front and back edge (figure 15). The front and back edge having a pair of depending serrated edges (see attachment of Aldridge et al., figure 15, a). The mount has at least one band (2) seated in the channel and extending around the pole (see figure 17).

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Aldridge et al. teaches the top surface of mount but fails to teach the top surface having an integral boss mounted thereon. Figure 13 of Aldridge et al.'s invention shows that the integral boss (50) with a loop (51) is mounted on the top surface of mount. The loop (51) on the base defines an opening therethrough. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the integral boss from figure 13 to figure 15 to provide a support for wire or cable on the mount when mounting on the pole.

Response to Arguments

Applicant's arguments filed 7/6/99 have been fully considered but they are not persuasive.


The applicant argues that Aldridge et al. '051 does not show the loop being mounted centrally of the boss. The examiner believes that Aldridge et al. '051 in figure 18 shows the fastener is in center of the boss, it would be obvious to add female part of loop to the male part of fastener.


The applicant argues that Aldridge et al. '051 does not teach the bottom surface having front and back edge with a pair of depending serrated edges. The examiner believes that in figure 13, reference number 46 shows the front and back edge having a serrated edge to provide a gripping force when mounting on the pole.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Joey Wujciak
July 29, 2003


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER


JOHN J. LOVE
DIRECTOR
TECHNOLOGY CENTER 3600